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Message Text

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ORIGIN ARA-06

INFO OCT-01 SS-14 ISO-00 L-01 EB-03 NSC-05 NSCE-00 CIAE-00

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O 082317Z APR 75
FM SECSTATE WASHDC
TO AMEMBASSY KINGSTON IMMEDIATE

C O N F I D E N T I A L STATE 080034

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, EAID, EINV, JM, US

SUBJECT:AMBASSADOR'S MEETING WITH PRIME MINISTER MANLEY

REF: A) STATE 076789; B) STATE 077740; C) KINGSTON 1181

1. THE FOLLOWING ARE THE DEPARTMENT'S SUGGESTED TALKING POINTS FOR THE AMBASSADOR TO USE IN HIS APRIL 9 MEETING WITH PRIME MINISTER MANLEY ON THE BAUXITE NEGOTIATIONS AND ICSID. THESE SUGGESTED TALKING POINTS ARE TO BE USED ONLY ON "AN IF ASKED BASIS."

A) BAUXITE NEGOTIATIONS. DEPARTMENT DOES NOT DEEM IT DESIRABLE FOR AMBASSADOR TO DISCUSS DETAILS OF THE VARIOUS HEADS OF AGREEMENTS AT THIS TIME. YOU MAY REITERATE OUR DESIRE THAT THERE BE A MUTUALLY SATISFACTORY RESOLUTION OF THE REMAINING ISSUES WITH ALL COMPANIES.
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B) STATUS OF AID RURAL EDUCATION LOAN (IF ASKED ONLY).
WE PRESENTED A DRAFT OF THE LOAN AGREEMENT TO THE
MINISTRIES OF FINANCE AND EDUCATION DECEMBER 30 FOR RE-
VIEW. ONCE YOUR GOVERNMENT HAS COMPLETED ITS REVIEW, WE
ARE PREPARED TO DISCUSS THE DRAFT WITH YOUR ADVISORS.
(FYI: SINCE PRESENT POLICY IS TO LINK EXECUTION OF THIS
LOAN TO DEVELOPMENTS IN THE BAUXITE NEGOTI-
ATIONS, YOU SHOULD NOT GIVE ANY INDICATION TO MANLEY THAT
WE ARE PREPARED TO SIGN THE LOAN AGREEMENT AT THIS TIME.
AS YOU KNOW, THIS POLICY IS UNDER CONTINUING REVIEW IN
WASHINGTON. END FYI)

C) ICSID PROCEEDINGS:
(FYI: THE INITIAL MEETING OF THE ICSID ARBITRAL PANEL
TOOK PLACE IN WASHINGTON APRIL 3-4. THE GOJ DID NOT
PARTICIPATE IN THE PROCEEDINGS. IT WAS AGREED THAT THE
FIRST ISSUE TO BE DECIDED WILL BE THE JURISDICTION OF
ICSID WHICH JAMAICA HAS TAKEN STEPS TO DENY. THE
COMPANIES WILL SUBMIT BRIEFS ON THIS POINT BY MAY 4 AND
THE GOJ WILL HAVE 30 DAYS TO ANSWER. WE SHOULD KEEP IN
MIND THAT AN ULTIMATE REFUSAL BY JAMAICA TO HONOR AN ICSID
AWARD WOULD NOT ONLY VIOLATE A TREATY COMMITMENT TO THE US,
BUT CHALLENGE THE INTEGRITY OF INVESTMENT AGREEMENTS
IN GENERAL AND DETRACT FROM OUR EFFORTS TO ESTABLISH A
VIABLE MECHANISM FOR THE SETTLEMENT OF INVESTMENT DIS-
PUTES. IN ADDITION, THE TAFT AMENDMENT (SEC 502 (B) (5)
OF THE TRADE REFORM ACT RESTRICTS THE EXTENSION OF GSP TO
ANY COUNTRY NOT ACTING IN GOOD FAITH TO RECOGNIZE OR
ENFORCE ARBITRAL AWARDS. THE EXECUTIVE BRANCH'S EFFORTS,
HOWEVER, WERE SUCCESSFUL IN GRANTING PRESIDENT DIS-
CRETIONARY AUTHORITY TO WAIVE THIS PROVISION IF HE
DETERMINES THAT IT IS IN THE NATIONAL ECONOMIC INTEREST
TO DO SO. END FYI)

SUGGESTED TALKING POINTS:

1) WE REGRET THAT JAMAICA HAS TAKEN STEPS VIS-A-VIS
ICSID WHICH MIGHT PLACE JAMAICA IN VIOLATION OF ITS
CONTRACTUAL AND TREATY OBLIGATIONS.

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2) WE HOPE THAT JAMAICA AND THE ALUMINUM COMPANIES
PARTIES TO THE ICSID PROCEEDINGS WILL ABIDE BY THE
FINDINGS OF THE ICSID ARBITRAL PANEL. KISSINGER

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